

amount financed. This subsection does not prohibit a lender from contracting for and receiving a finance charge exceeding twenty-one percent per year on the unpaid balance of the amount financed on consumer loans if authorized by other provisions of the law.

Approved May 13, 1983

## CHAPTER 125

### MOTOR VEHICLE CODE AMENDMENTS

*S.F. 493*

**AN ACT** relating to the motor vehicle code by providing a rebuttable presumption of residency, by increasing the penalty for improper use of a registration card, registration plate, special plate, or permit, by requiring a motor vehicle overtaking another vehicle on the left to return to the right-hand portion of the roadway before coming within three hundred feet of an approaching vehicle, by prohibiting the operation of motor vehicles with excessively dark windshields or windows, by clarifying certain language and eliminating certain inconsistent language in the motor vehicle code, by increasing the ability of an officer to issue a uniform citation and complaint, and providing a penalty.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. **NEW SECTION. 321.1A PRESUMPTION OF RESIDENCY.** For purposes of this chapter there is a rebuttable presumption that a natural person is a resident of this state if any of the following elements exist:

1. The person has filed for a homestead tax exemption on property in this state.
2. The person is a veteran who has filed for a military tax exemption on property in this state.
3. The person is registered to vote in this state.
4. The person enrolls the person's child to be educated in a public elementary or secondary school in this state.
5. The person is receiving public assistance from this state.
6. The person resides or has continuously remained in this state for a period exceeding thirty days except for infrequent or brief absences.
7. The person has accepted employment or engages in any trade, profession, or occupation within this state, except as provided in section 321.55.

"Resident" does not include a person who is attending a college or university in this state, if the person has a domicile in another state and has a valid operator's license and vehicle registration issued by the state of domicile. "Resident" also does not include members of the armed forces that are stationed in Iowa, providing that their vehicles are properly registered in their state of residency.

A corporation, association, partnership, company, firm, or other aggregation of individuals whose principal place of business is located within this state is a resident of this state.

Sec. 2. Section 321.99, Code 1983, is amended to read as follows:

**321.99 IMPROPER FRAUDULENT USE OF REGISTRATION.** ~~No~~ A person shall not knowingly lend to another any a registration card, registration plate, special plate, or permit issued to him the person if the other person desiring to borrow the same card, plate, or permit would not be entitled to the use thereof, nor shall any of it. A person shall not knowingly permit the use of any of the same a registration card, registration plate, special plate, or permit issued to the person by one not entitled thereto to it, nor shall any a person knowingly display upon a vehicle any a registration card, registration plate or permit not issued for such that vehicle or not otherwise lawfully used thereon under this chapter. Any A violation of this section is a simple serious misdemeanor.

Sec. 3. Section 321.209, subsection 3, Code 1983, is amended to read as follows:

3. Any A felony in if during the commission of which the felony a motor vehicle is used.

Sec. 4. Section 321.303, Code 1983, is amended to read as follows:

**321.303 LIMITATIONS ON OVERTAKING ON THE LEFT.** ~~No~~ A vehicle shall not be driven to the left side of the center of the roadway in overtaking and passing another vehicle proceeding in the same direction unless such the left side is clearly visible and is free of oncoming traffic for a sufficient distance ahead to permit such the overtaking and passing to be completely made without interfering with the safe operation of any a vehicle approaching from the opposite direction or any a vehicle overtaken. In every event the The overtaking vehicle must shall return to the right-hand side of the roadway before coming within one three hundred feet of any a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit in excess of thirty miles per hour, and the overtaking vehicle shall return to the right-hand side of the roadway before coming within one hundred feet of a vehicle approaching from the opposite direction when traveling on a roadway having a legal speed limit of thirty miles per hour or less.

Sec. 5. Section 321.438, Code 1983, is amended to read as follows:

**321.438 WINDSHIELDS AND WINDOWS.**

1. ~~No~~ A person shall not drive any a motor vehicle equipped with a windshield, sidewings, or side or rear windows which do not permit clear vision.

2. A person shall not operate on the highway a motor vehicle equipped with a front windshield, a side window to the immediate right or left of the driver, or a sidewing forward of and to the left or right of the driver which is excessively dark or reflective so that it is difficult for a person outside the motor vehicle to see into the motor vehicle through the windshield, window, or sidewing. The department shall adopt rules establishing a minimum measurable standard of transparency which shall apply to violations of this subsection.

3. Every motor vehicle except a motorcycle, or a vehicle included in the provisions of section 321.383 or section 321.115 shall be equipped with a windshield in accordance with section 321.444.

Sec. 6. Section 805.8, subsection 2, paragraph c, Code 1983, is amended to read as follows:

c. For improperly used or nonused, or defective or improper equipment, other than brakes, driving lights and brakelights, under sections 321.317, 321.387, 321.388, 321.389, 321.390, 321.391, 321.392, 321.393, 321.422, 321.432, 321.436, 321.437, 321.438, subsection 1 or 3, 321.439, 321.440, 321.441, 321.442, 321.444, 321.445 and 321.447, the scheduled fine is ten dollars.

Sec. 7. Section 805.8, subsection 2, Code 1983, is amended by adding the following new paragraph following paragraph c and by relettering the following paragraphs:

**NEW PARAGRAPH.** d. For improper equipment under section 321.438, subsection 2, the scheduled fine is fifteen dollars.

Sec. 8. Section 805.8, subsection 2, paragraph n, unnumbered paragraph 1, Code 1983, is amended to read as follows:

For violation of registration provisions under section 321.17; violation of intrastate hauling on foreign registration under sections 321.54 and 321.55; ~~use of registration under section 321.99;~~ and display of registration or plates under section 321.98, the scheduled fine is twenty dollars.

Sec. 9. Section 805.10, subsections 2 and 4, Code 1983, are amended by striking the subsections.

Approved May 16, 1983

## CHAPTER 126

### IOWA DEPARTMENT OF PUBLIC BROADCASTING

*S.F. 356*

**AN ACT** creating the Iowa department of public broadcasting and prescribing its powers and duties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 18.1, subsection 6, Code 1983, is amended by striking the subsection.

Sec. 2. Section 18.3, subsection 5, Code 1983, is amended to read as follows:

5. Administering the provisions of sections 18.132 to ~~18.152~~ 18.143.

Sec. 3. Section 18.132, Code 1983, is amended to read as follows:

18.132 PURPOSE. It is the intent of the general assembly in providing for state communications, that an educational radio and television facility, including provision for closed circuit television, be established to serve the entire state, and that communications of state government be co-ordinated to effect maximum practical consolidation and joint use of communications services.

Sec. 4. Section 18.133, subsection 1, Code 1983, is amended to read as follows:

1. "State communications" means a system to serve communications needs of state departments and agencies but does not include communications activities exempt under section 18.135, subsection 3 and radio and television facilities under the Iowa department of public broadcasting.

Sec. 5. Section 18.133, subsections 4 and 5, Code 1983, are amended by striking the subsections.

Sec. 6. Section 18.135, Code 1983, is amended to read as follows:

18.135 RULES.

1. The director shall promulgate adopt rules relating to state communications in accordance with the provisions of this chapter. The director shall also adopt and provide for standard communications procedures and policies to be used by all departments and state agencies of state government.

2. Communications activities of departments of state government which agencies that affect the overall operation of state communications shall fall within the administrative jurisdiction of the director for review and action upon request from any department of a state government agency.

3. Communications activities which are operational and the responsibility of a particular department of state government shall continue to fall within the administrative jurisdiction of that department of the state government agency and be financed through its appropriations.